

The Examiner rejected Claims 6 and 20 to 23 under 35 U.S.C. §112, ¶2, as being indefinite.

On the one hand, the Examiner noted that the formula designated as II in Claim 6 was incorrect. Applicants' have corrected the formula, and the respective issue is therefore obviated.

On the other hand, the Examiner contended that the subject matter defined in Claim 20 lacked proper antecedent basis in Claim 6 because the phenyl ring depicted in Claim 20 bears "*four substituents L¹, L², L³ and L⁴*" whereas Claim 6 provides that the corresponding phenyl group represented by R² which is unsubstituted or substituted by one to three groups R^a. It is respectfully submitted that Claim 20 incorporates the requirement of Claim 6 by reference that the phenyl group represented by R² carry up to three substituents R^a where all groups which are represented by R^a are different from hydrogen. The substituents L¹, L², L³ and L⁴ which are referenced in Claim 20 "*each independently represent hydrogen, fluorine, chlorine or methoxy*". The moieties L¹ to L⁴ which are referenced in Claim 20 inter alia represent hydrogen and are, therefore not equivalent to the groups R^a. When the requirements which are specifically set forth in Claim 20 are properly considered together with the requirements which are incorporated into Claim 20 by reference to Claim 6 it is believed to be clear that at least one of the substituents L¹, L², L³ and L⁴ in the formula depicted in Claim 20 has to be hydrogen so that the phenyl ring is ultimately "*unsubstituted or substituted by one to three groups R^a*" where R^a is fluorine, chlorine or methoxy. Accordingly, applicants do not share the Examiner's position that the subject matter of Claim 20 lacks proper antecedent basis in Claim 6. Favorable reconsideration of the Examiner's position and withdrawal of the respective rejection under Section 112, ¶2, is, therefore respectfully solicited.

The Examiner notified applicants that the references enumerated on page 2 of the information disclosure statement filed on July 09, 2003, were insufficiently identified by applicants and that the copies of the respective references were not of record. Applicants have ordered replacement copies of the respective references to re-evaluate whether the prior art is material with regard to the subject matter of the claims which are pending in this application²⁾, and will

2) The International Search Report which brought those references to applicants' attention indicated that the respective art was considered to be material with regard to the subject matter of Claims 1, 2 and 5 (references BA, BB and BC) and with regard to Claim 8 (references BD to BS).

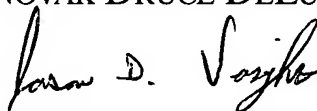
update the Examiner's records in compliance with the provisions of 37 C.F.R. §1.56 as soon as the replacement copies have become available.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a two month extension of time be granted in this case. The respective \$450.00 fee is paid by credit card (Form PTO-2038 enclosed).

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,
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Encl.: CLAIM AMENDMENTS (Appendix I)

JDV/BAS